

Appln. No. 10/789,730
Amendment dated April 25, 2006
Reply to Office Action mailed January 26, 2006

REMARKS

Reconsideration is respectfully requested.

Claims 1 and 5 through 7 remain in this application. Claims 2 through 4 and 8 have been cancelled. No claims have been withdrawn. Claims 9 and 10 has been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraph 1 of the Office Action

The specification has been objected to for the informalities noted in the Office Action.

The specification has been amended in a manner believed to clarify any informalities in the language, particularly at the points identified in the Office Action.

Withdrawal of the objection is respectfully requested.

Paragraph 2 of the Office Action

Claims 1 through 3; and 5 through 7 have been rejected under 35 U.S.C. §102(b) as being anticipated by Hall.

Claims 4 and 8 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Hall.

Claim 1, particularly as amended, requires "wherein said base portion tapers in thickness from said retention portion to said free end of said base portion such that said base portion is substantially wedge shaped for facilitating sliding of said base portion under the object".

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It is contended in the rejection of the Office Action that:

Hall discloses the claimed invention except for the limitation of the base portion tapering from the retention portion to the free end.

It is then asserted that:

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the base portion in Hall to have been tapered to the free end for the purpose of providing an alternative, aesthetically different appearance to the device to accommodate the preference of the user and since such a modification would not have produced any unexpected results.

However, it is submitted that one of ordinary skill in the art, considering the Hall patent, would not be motivated to modify the Hall device to achieve the claimed structure of claim 1. In particular, there is no reason set forth in Hall to taper the score card holder, and a tapering of the device would not produce any benefit for the use that Hall discloses for its device.

Further, the "purpose of providing an alternative, aesthetically different appearance to the device to accommodate the preference of the use" could apply to any and every device ever imagined, and there is no statement in the rejection that there is any motivation or reason to "provid[e] an alternative, aesthetically different appearance" for the Hall device, or that Hall suggests any "preference" that such a modification of the Hall device would accommodate. It is submitted that the allegedly obvious modification of the Hall device serves no purpose that would be understood by one of ordinary skill in the art (without knowledge of the present disclosure).

To the contrary, the Hall patent shows a device in which the thickness is substantially uniform from one end to the other. Thus, it is submitted that one of ordinary skill in the art would not be motivated to change the structure of Hall from a uniform thickness to any tapering thickness.

It is therefore submitted that the Hall patent would not lead one of ordinary skill in the art to the applicant's claimed invention as defined in claim 1, especially with the requirements set forth above, and therefore it is

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submitted that claim 1 is allowable over the prior art. Further, claims 5 through 7, which depend from claim 1, also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Withdrawal of the §102(b) and §103(a) rejections of claims 1 and 5 through 7 is therefore respectfully requested.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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